

REMARKS

This application has been reviewed in light of the Office Action dated June 21, 2007. Claims 1, 3, 5-9, 11-18 and 27 are pending in this application, with claims 1 and 27 being in independent form. Claims 1 and 27 have been amended to incorporate the feature from canceled dependent claim 2, and claim 3 has been amended to change its dependency from canceled claim 2 to claim 1. Favorable reconsideration is respectfully requested.

The Office Action rejected claims 1, 5, 7, 8, 11, 12 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,105,650 (Manusch '650); rejected claims 2, 3, 9, 15 and 27 under 35 U.S.C. § 103(a) as obvious over Manusch '650; rejected claims 6, 14, 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Manusch '650 in view of Japanese Patent No. 11-157290 (Kobayashi); and rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Manusch in view of U.S. Patent No. 5,462,633 (Manusch '633). Applicant respectfully traverses these rejections.

Claim 1 is directed to a hand-held device for transferring a film from a backing tape onto a substrate. The device includes a housing in which a supply of backing tape is arranged and an application member projecting from the housing and having a front end with a free end and at least a first application edge and a second application edge. In this device, the backing tape is wound around the free end and the application edges of the application member and extends into the housing with tape sections at a lower longitudinal side of the application member facing the substrate during operation and at an upper longitudinal side of the application member opposite the lower longitudinal side. In a device having the features recited in claim 1, the second application edge projects from the lower longitudinal side of the application member, the first application edge and the second application edge are linear, the first application edge and the second application edge are arranged asymmetrically in relation to a longitudinal axis of the application member, and the first and second application edges have mid-central planes enclosing an angle of approximately 30° to 120°.

Applicant submits that claim 1 is patentable over the cited prior art at least because the first and second application edges have mid-central planes enclosing an angle of approximately 30° to 120°. The reason for this design is that the invention as recited in claim 1 seeks to provide for a tape dispenser which can be used in a different angular position. The

Examiner asserted in the Office Action at page 3, section 4, that Manusch '650 "discloses a hand-held device wherein the first and second application edges (Figure 2, applicator toes 4a and 4b) have mid-central planes enclosing an angle. Although not clearly shown, the angle appears to be approximately 90°." Applicant has measured the angles in both Figures 1 and 2 of Manusch '650 and enclose our measurements in Attachment A for the Examiner's consideration. As illustrated in Attachment A, Applicant has determined that Figure 1 of Manusch '650 only shows an angle of approximately 2° while Figure 2 of Manusch '650 only shows an angle of approximately 4° between the mid-planes of the two application members 4a, 4b. Thus, there is a substantial difference between the angles as recited in claim 1 and the angle shown in Figures 1 and 2 of Manusch '650. In addition, Applicant notes that Manusch '650 does not disclose changing any angles from the 2° to 4° to the approximately 30° to 120° as recited in claim 1 (or angles of about 45° to 90° as recited in claim 3). Manusch '650, Applicant notes, does not disclose using the correction tape dispenser in different angles as envisioned for a device having the features recited in claim 1; rather, Manusch '650 contemplates using a left hand/right hand use of the tape dispenser (see, e.g., col. 6, lines 8-12, "[i]n order to be able to switch between the two modes of operation, the hand-held device held, for example, in the user's right hand for the pull mode can be transferred to the left hand without any change in its spatial position or orientation,").

Applicant submits that at least for the reasons provided above claim 1 and its dependent claims are patentable over Manusch '650 and any other cited prior art in the Office Action. In addition, claim 27 includes the feature directed to "the first and second application edges have mid-central planes enclosing an angle of approximately 30° to 120°" as recited in claim 1 and therefore claim 27 is also believed to be patentable over the cited prior art at least for the reasons provided above.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

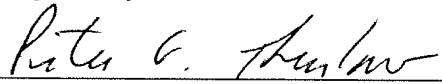
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Response to Office Action Mailed June 21, 2007

No fee is believed due with this response. However, if the Examiner determines that a fee is required, please charge any such fees to Jones Day Deposit Account 50-3013.

Applicant's undersigned attorney may be reached in our New York Office at the phone number below. All correspondence should continue to be directed to our address listed below.

Date: September 21, 2007

Respectfully submitted,


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